



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

our broadly extended country that an innocent party who had in good faith employed a trade-mark in one state, and by the use of it had built up a trade there, being the first appropriator in that jurisdiction, might afterwards be prevented from using it, with consequent injury to his trade and good will, at the instance of one who theretofore had employed the same mark, but only in other and remote jurisdictions, upon the ground that its first employment happened to antedate that of the first-mentioned trader. In several cases federal courts have held that a prior use of a trade-mark in a foreign country did not entitle its owner to claim exclusive trade-mark rights in the United States as against one who in good faith had adopted a like trade-mark here prior to the entry of the foreigner into this market. *Richter v. Anchor Remedy Co.* (C. C.), 52 Fed. 455, 458; *Richter v. Reynolds*, 59 Fed. 577, 579, 8 C. C. A. 220; *Walter Baker & Co. v. Delapenha* (C. C.), 160 Fed. 746, 748; *Gorham Mfg. Co. v. Weintraub* (D. C.), 196 Fed. 957, 961."

MISCELLANY.

How Great Law Offices Work.—"If I were a young lawyer again, just striving for my first honors, and looking for a place to settle," said a leading New York lawyer to a young attorney, "I am sure I could not do better than begin right here in New York City or in Brooklyn. I have passed through the mill and my experience has convinced me that there are more openings here, and there is as much chance to get to the top, and when you do get there the rewards are far greater than anywhere else in the United States."

Whether the General is right or not, it is highly probable that he will be supported in this opinion by the greater part of the well-established lawyers of the two cities. Nevertheless a great deal can be said on the other side of the question.

The remarkable changes that have taken place within the last ten years in all the great cities of the United States, but more particularly in this city, in the organization of great law firms and in the conduct of their business has compelled the law clerk or the young lawyer to become a part of a rigid system that without doubt repels the more ambitious.

The old practice of a young man just admitted of "hanging out his shingle," as the saying goes, has become nothing more than a tradition. In this city more than 99 per cent. of the young lawyers do not even take desk room as independent practitioners, but become law clerks. That means working under orders, submitting to the drudgery that the older clerks will not endure and sinking one's

identity behind the army of assistants that the members of the firm direct. This, moreover, is not solely the experience of the clerk and the young attorney. There are hundreds of lawyers in this city, men in the prime of life and members of well-established firms, who are never heard of for the simple reason that their names do not appear in the firm's style and that business is transacted with the firm or corporation (as it might be called), the individual being of little moment.

The conduct of one of these large offices is similar in a great many respects to the management of a great newspaper office. The office staff is usually divided into two general classes. There is the corps of business clerks and there is the corps of law clerks. The business clerks have nothing to do whatever with law matters. They attend solely to the commercial requirements of the firm and perform their duties under regulations similar to those of any other business establishment. They are directed in their labors by a chief clerk, who is responsible to the member of the firm who takes supervision of the office assistants.

The corps of law clerks is the one of which the aspiring young attorney becomes a member. They have wholly to do with law matters. These clerks are young men and women who are studying for the bar or have been admitted. Of the latter class it is true the most are young men, but unfortunately it is a fact, and one that often demonstrates the fault of the new system, that a lawyer with fair capabilities never rises above the grade of the law clerk. Just how many of these law clerks there are in this city is not a matter of statistics and it would be very difficult to make anything like a correct estimate. Their number will reach into the thousands and the tens of thousands. Add to this number those in Brooklyn and the total will be increased by some thousands more.

The law clerks are captained by a clerk who is dignified by the title of managing clerk. In almost all cases he is a lawyer and the senior clerk in the office. In many instances he is in the prime of life. In large offices the managing clerk has usually worked himself up from office boy or student.

So extensive is the tendency toward the consolidation of all of the law business with very large firms, to the exclusion of the small practitioner, that some of these managing clerks have from twenty-five to thirty men working under them.

It used to be the general impression, and the fact as well, that when a lawyer had made his reputation he didn't trifle with very small cases. Under the present system, however, this is all changed. One of these large law corporations never finds the case, with certain limitations, that is too small for its attention. This further complicates the duties of the managing clerk.

The under clerks find out what they have to do from the manag-

ing clerk, and this dignitary gives out his orders in much the same way that a city editor does to his staff of reporters. The managing clerk has both his case book and his calendar. In his case book are entered all of the cases as they come into the office, classified as to the course in which they arise and sometimes by the nature of the action. This classification having been made the cases are apportioned by classes to the different clerks who attend usually to those particular cases. After once having been appointed to look after a case each clerk is expected not only to keep exact minutes of its progress but to report the same to the managing clerk, who enters the fact upon his records.

The assignments of clerks to the attendance of cases in court or to the other duties in the office are made from the day calendar and usually on the afternoon preceding the day on which the duty is to be performed. If the task to be imposed be the drawing of pleadings the assignment is usually made before this, but it is not so necessary that the managing clerk should look after this particular line of work on the day calendar, for it is very rarely that a clerk having charge of a particular case overlooks so formal a matter as that.

The particularity with which details have to be cared for makes the most rigid system necessary. All of the most interesting parts of the practice are looked after by the junior members of the firm, or by the senior clerks, who are lawyers. The pleasing experiences of fame and fortune that the young man dreams of as a student are not open to him in the stern practical life that he encounters in working for one of these firms. The pay of the clerk ranges all the way from \$3 a week to \$5,000 a year. The man who would command the larger sum must be a well-equipped lawyer. If he had been able to establish himself in business with his ability at the same period of life he ought to be able to net from his practice three times that sum.

Whatever may be said in favor of the present system, it is certain that it is following the consolidation movement in other lines of business. It is very difficult for a young lawyer unless he is exceedingly bright to rise from the rank of the clerk to that of a partner in the firm. Such progress is known and occasionally noted, but it is indeed rare. It is the height of the ambition of every aspiring young lawyer to become an advocate, or what is known in common parlance as a trial lawyer. By working up through a clerkship it will take years of patient toil and the demonstration of ability in many lines before the clerk will have an opportunity to try a case, and thereby have the prospect of membership in the firm held open to him. Many young men who are called to the bar have far more fitness for the trial of cases than for following with scrupulous accuracy the details of a large office. It has been shown time and again that such men frequently develop fair ability on the trial of

their first case and in a short while become able to try a case with much more skill than many lawyers of established standing at the bar. It is usually the case, too, that not only are these born advocates more or less unqualified for the routine work of an office, but such duties are positively offensive to them.

Such are the facts that cause the best recruits to the bar to hesitate before they will accept a clerkship in a large office, however alluring the prospect may seem when the offer is made. The same considerations are driving many young men into the small towns up the state and in the far west. The records of the alumni of the law schools will prove that they do have this tendency. The fact is also depriving New York City and Brooklyn of legal timber of which they are in great need.

Elihu Root is quoted as having said recently that never before in the history of this city has the bar been in such dire need of young lawyers of good promise. The judges who preside at the trials in our Supreme Court or in our criminal courts say that in all of the host of lawyers in this city there are not a score who can try a case well. They will say that not one lawyer in a hundred who endeavors to try a case understands the most necessary principles underlying the cross-examination of a witness or the summing up to a jury. One of the best-known judges in this state stated not long ago that it was a rare thing in his experience to find one of these so-called trial lawyers who knew how to put in an objection in a strictly legal form or impeach a witness on his cross-examination.—*American Legal News*.